

# DEEP DIVE ON WORKPLACE ACCOMMODATIONS

Presented by  
Laura Merritt and  
Malinda Gaul

University of Texas, Continuing Legal Education  
May 5-6, 2022 – Austin, TX

1

## What is an “accommodation”?

2

Dictionary definition\*:

*“ . . .the act of accommodating someone or something : the state of being accommodated: such as:*

*. . .the providing of what is needed or desired for convenience.”*

\* Retrieved May 2, 2022, from <https://www.merriam-webster.com/dictionary/accommodation>

2

## What is an “accommodation”?

3

- ❑ Legal definitions much more narrow:
- ❑ For example, under Title I of the Americans with Disabilities Act, a reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things are usually done during the hiring process.
- ❑ *"In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities."* 29 C.F.R. pt. 1630 app. § 1630.2(o) (1997).

3

## What is an “accommodation”?

4

- ❑ Religious accommodation under Title VII:
- ❑ Arose from Title VII's prohibition of discrimination on the basis of religion.
- ❑ The statute defines “religion” as including *“all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that [it] is unable to reasonably accommodate . . . without undue hardship on the conduct of the employer's business.”* 42 U.S.C. § 2000e(j).

4

# Who is entitled to workplace accommodations?

5

- ❑ **Private sector** employees, depending on size of employer (15+ for ADA and Title VII, although some state laws may have lower thresholds)
- ❑ **Public sector** employees (Rehabilitation Act)

5

## Other Sources of Legally-Mandated Accommodations Modifications

6

“Accommodations” in the sense of the ADA/Rehab Act and religion are not the only type of workplace modifications that may need to be considered.

Other sources for departure from business as usual:

- ❑ Leave laws (e.g., FMLA, military leave)
- ❑ Light duty/workers compensation
- ❑ Adjustment to avoid discrimination claims (example: different grooming standards for women and men)
- ❑ Unique situations:
  - “No entity in Texas can compel receipt of a COVID-19 vaccine by any individual, including an employee or a consumer, who objects to such vaccination for any reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19.”
    - Tex. Exec. Order No.GA-40 (October 11, 2021).

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Deep Dive on Workplace Accommodations

First appeared as part of the conference materials for the  
29<sup>th</sup> Annual Labor and Employment Law Conference session  
"Deep Dive on Accommodations"